

**MINUTES FOR THE COURT OF APPEAL  
STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT**

**November 20, 2003**

DIVISION ONE

B164893      Zelman A-1      (Not for Publication)

v.

Burbank-Glendale-Pasadena Airport Authority

The January 22, 2003 order is affirmed. Respondent to recover costs on appeal.

Mallano, J.

We concur:    Spencer, P.J.  
                         Ortega, J.

B166189      Los Angeles County, D.C.S.      (Not for Publication)

v.

Omar A.

In re Eduardo A., et al., minors

The jurisdictional and dispositional orders are reversed and vacated with regard to Eduardo and Antonio. The dependency petition (section 300) is dismissed with prejudice as to Eduardo and Antonio.

Ortega, J.

We concur:    Spencer, P.J.  
                         Vogel (Miriam A.), J.

DIVISION ONE (Continued)

B160096      Omar Bradley                      (Not for Publication)  
                 v.  
                 Eric J. Perrodin

We reverse the order requiring the city to pay Bradley's fees and costs under Code of Civil Procedure section 1021.5. Perrodin is entitled to costs on appeal.

Ortega, J.

We concur:    Spencer, P.J.  
                 Mallano, J.

B156357      Joseph Rex Perera, et al.      (Not for Publication)  
                 v.  
                 Eva Windsor, et al.

On remand, the trial court is to amend the amount of the judgment as explained in the opinion to result in a full recovery of economic damages, costs, and post judgment interest. As amended, the judgment is affirmed. Plaintiffs are awarded costs on appeal.

Ortega, J.

We concur:    Spencer, P.J.  
                 Mallano, J.

B158539      Merlin Hartt, et al.                      (Not for Publication)  
                 v.  
                 County of Los Angeles

We affirm the judgment. We dismiss the County's cross-appeal as moot. The parties are to bear their own costs.

Ortega, J.

We concur:    Spencer, P.J.  
                 Vogel (Miriam A.), J.

DIVISION TWO

Court convened at 9:00 a.m.

Present: Boren, P.J., Nott, J., Doi Todd, J., Ashmann-Gerst, J. and Joyce Hatter, Deputy Clerk.

Each of the following:

B163774 People v. Aisony  
B162342 People v. Lawrence and Sigmon  
B164303 People v. Reed  
B165635 People v. Rodriguez  
B159912 People v. A. Reed  
B161451 Smith v. Contractors State License  
B161293 People v. Quijas  
B157656 People v. Waring

Argument waived, cause submitted.

B157674     People  
                  v.  
                  Connor

Merits:

Argued by Louis Karlin, Deputy Attorney General for respondent and by Tracy Dressner for appellant. Cause submitted.

B161513     Burk  
                  v.  
                  California Association of Realtors, et al.

Merits:

Argued by Charles Mathews for appellant and by Travis Gemoets for respondents. Cause submitted.

DIVISION TWO (Continued)

B165167      Los Angeles County, D.C.S.  
                 v.  
                 Mariana G.

Merits:  
Argued by Kim Nemoy, Deputy County Counsel for respondent, by Harry Zimmerman for appellant and by Craig Arthur for minor. Cause submitted.

B163448      Mardian and Associates, et al.  
                 v.  
                 Glendale City Council, et al.,  
                 Chevy Chase Estates Associates

Merits:  
Argued by John Gantus for appellants, by Steven Weitz for respondents, City of Glendale and by George Young for respondent and real party in interest, Chevy Chase Estates. Cause submitted.

B161303      Gemmel Pharmacies, Inc., et al.  
                 v.  
                 Vienna, et al.

Merits:  
Argued by Harold Francis, Jr., respondent in propria persona and by Cynthia Goodman for appellants. Cause submitted.

Court recessed.

Court reconvened at 12:45PM

Present: Boren, P.J., Nott, J., Doi Todd, J., Ashmann-Gerst, J. and Jim Guzman, Deputy Clerk.

Each of the following:

B166659 In re: Lidia R. and Daniel R.  
B164922 People v. Noriega  
B158180 Rios v. Knollwood Country Club  
B164911 In re: Kenneth T.

DIVISION TWO (Continued)

Each of the following (continued):

B164509 People v. Adam A.  
B166727 People v. Smith  
B166188 In re: Taylor M.  
B169905 In re: Raymond E.

Argument waived, cause submitted.

B161022     Yoon  
                 v.  
                 Stern, et al.

Merits:  
Argued by William Raff for appellants and by Natasha Roit for respondent.  
Cause submitted.

B161175     Kelsch, et al.  
                 v.  
                 Caroe, et al.

Merits:  
Argued by Robert Schlifkin for appellants and by David Ozeran and David Pruet for respondents. Cause submitted.

B159275     Stoll, et al.  
                 v.  
                 Bush, et al.

Merits:  
Argued by Ward Smith for appellants and by Curtis Cole and David Ozeran for respondents. Cause submitted.

DIVISION TWO (Continued)

B160782 Whitney, et al.  
v.  
California Fair Plan Assoc.

Merits:  
Argued by Daniel King for appellants and by Bradley Childers for respondent. Cause submitted.

B159750 People v. Patrick and Salas

Merits:  
Argued by Neil Rosenbaum and Douglas Benedon for appellants and by Thien Huong Tran for respondent. Cause submitted.

B156444 Albillo, et al.  
v.  
Intermodal Container Services Inc., et al.

Merits:  
Argued by Jeffery Levinson for appellants and by Tony Skogen and Keith Jacoby for respondents. Cause submitted.

Court adjourned.

DIVISION THREE

B159370 People (Not for Publication)  
v.  
Bryant

The judgment is modified by striking the Penal Code section 1202.45 restitution fine and, as modified, the judgment is affirmed. The trial court is directed to forward to the Department of Corrections an amended abstract of judgment reflecting the above modification.

Croskey, Acting P.J.

We concur: Kitching, J.  
Aldrich, J.

DIVISION THREE (Continued)

B167605      Los Angeles County, D.C.S.      (Not for Publication)  
                 v.  
                 V.P.

The appeal is dismissed.

Croskey, J.

We concur:   Klein, P.J.  
                   Kitching, J.

B162457      People      (Not for Publication)  
                 v.  
                 Spruiell

The judgment is affirmed.

Croskey, Acting P.J.

We concur:   Kitching, J.  
                   Aldrich, J.

B162889      People      (Not for Publication)  
                 v.  
                 Mejia

The judgment is affirmed.

Croskey, Acting P.J.

We concur:   Klein, P.J.  
                   Aldrich, J.

November 20, 2003 (Continued)

### DIVISION THREE (Continued)

B163482 People (Not for Publication)  
v.  
West

The judgment is affirmed.

Croskey, Acting P.J.

We concur:   Kitching, J.  
                      Aldrich, J.

DIVISION FIVE

B161310      George Kakely                      (Not for Publication)  
v.  
Dick Thomas, et al.

The judgment is reversed. Appellant(s) to recover costs.

Mosk, J.

We concur:   Turner, P.J.  
                      Armstrong, J.

B169695      Los Angeles County, D.C.S.      (Not for Publication)  
v.  
S.C.L.A.,  
Harry R.

The petition for extraordinary writ is denied. Pursuant to California Rules of Court, rule 24(b)(3), this opinion is made final forthwith as to this court.

Mosk, J.

We concur: Turner, P.J. w/opinion  
Grignon, J.



November 20, 2003 (Continued)

## DIVISION FIVE (Continued)

B160533 People (Not for Publication)  
v.  
Tony K. Tena

The judgment is affirmed.

Mosk, J.

We concur: Turner, P.J.  
Armstrong, J.

DIVISION SEVEN

B159845      Ogner Motorcars, Inc.      (Not for Publication)  
v.  
Valley Park Ford, Inc.

The judgment is affirmed. Respondent is awarded its costs on appeal including reasonable attorney fees, the latter to be determined by the trial court following issuance of remittitur.

Johnson, J.

We concur: Perluss, P.J.  
Woods, J.

B167229 People (Not for Publication)  
v.  
Marholz

The judgment is affirmed.

Johnson, J.

We concur: Perluss, P.J.  
Woods, J.

## DIVISION SEVEN (Continued)

B165834 Marino (Not for Publication)  
v.  
Kenoff & Machtinger

The appeal is dismissed. Respondents are awarded costs on appeal.

Johnson, J.

We concur: Perluss, P.J.  
Woods, J.

B158017 People (Not for Publication)  
v.  
Merino

The judgment is affirmed, except appellant's sentence is vacated, the matter is remanded, and the sentencing court is directed to resentence appellant in a manner consistent with this opinion. The sentencing court is also directed to forward to the Department of Corrections an amended abstract of judgment reflecting the resentencing.

Johnson, J.

We concur: Perluss, P.J.  
Woods, J.

B169107      In re McSherry  
on  
Habeas Corpus

Petition for rehearing denied by operation of law.